

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ARY JEWELERS, LLC,)	
)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 04-10281-EFH
IBJTC BUSINESS CREDIT CORPORATION,)	
)	
Defendant.)	
)	
)	

**MOTION TO STRIKE EXPERT REPORT AND TO ENTER JUDGMENT DISMISSING
THE SOLE REMAINING COUNT OF THE SECOND AMENDED COMPLAINT**

For the reasons set forth in the accompanying memorandum and supporting papers, Defendant IBJTC Business Credit Corp. respectfully moves to strike the expert report of Shirley Webster, a witness designated by plaintiff to give expert testimony on damages, and to enter judgment on Count I dismissing the sole remaining count of the Second Amended Complaint.

IBJ REQUESTS ORAL ARGUMENT

A bench trial of this case is set for December 4, 2006. IBJ requests oral argument and urges the Court to hear this potentially dispositive motion in advance of trial.

Dated: September 15, 2006

ROPES & GRAY LLP

By: /s/ Christopher Dillon

Robert S. Fischler (Admitted Pro Hac Vice)
Christopher R. Dillon (BBO No. 640896)

One International Place
Boston, Massachusetts 02110-2624
(617) 951-7000

*Attorneys for Defendant IBJTC
Business Credit Corp.*